

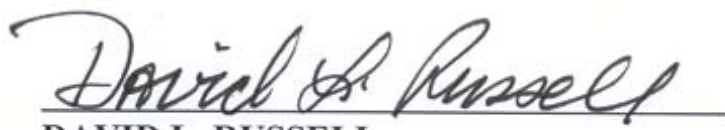
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ALRIC OLAF SMITH,)	
)	
Plaintiff,)	
)	
v.)	CIV-09-926-R
)	
JIM BAUMAN, BILL WARNER and)	
LOGAN COUNTY JAIL,)	
)	
Defendants.)	

ORDER

Plaintiff filed this action pursuant to 42 U.S.C. § 1983, seeking redress for the alleged violation of his constitutional rights. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Valerie K. Couch for preliminary review. On September 30, 2009, Judge Couch issued a Report and Recommendation, wherein she recommended that the case be dismissed for failure to state a claim. In response to the Report and Recommendation, Plaintiff filed a response recognizing that he named the wrong persons in his original complaint. Accordingly, the Report and Recommendation is adopted, and the original complaint in this action is hereby dismissed. Plaintiff may file an amended complaint within thirty days of entry of this order. The Clerk shall provide Plaintiff with a the packet of information directed to persons wishing to file complaints pro se. If Plaintiff fails to file an amended complaint within thirty days, this case will be closed without further notice.

IT IS SO ORDERED this 9th day of October 2009.


DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE